

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CLARENCE BANKS,)	CASE NO. 5:13CV1472
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
JASON BUNTING,)	
)	
Respondent.)	

Before the Court is the Report and Recommendation of Magistrate Judge Vecchiarelli (“R & R”) (**Doc. # 10**). The R&R recommends that the Court transfer Petitioner Clarence Bank’s 28 U.S.C. § 2254 petition for writ of habeas corpus (**Doc. # 1**) to the Sixth Circuit because it is a second or successive petition requiring Sixth Circuit authorization before this Court can review it on the merits.

Under 28 U.S.C. § 636(b)(1) a habeas petitioner has 14 days after being served a copy of the R&R to file written objections. A copy of the R&R was mailed to Petitioner on November 12, 2012. In this case, more than 21 days have elapsed since the R&R was issued, and Petitioner has filed neither an objection nor a request for an extension of time to file one.

Failure to file objections by the deadline constitutes a waiver of the right to obtain a de novo review of the R&R in the district court, United States v. Walters, 638 F.2d 947, 949 (6th Cir. 1981), and a waiver of the right to appeal. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984),

aff'd, 474 U.S. 140 (1985).

The Court has reviewed the Magistrate Judge's R&R and agrees that the petition should be transferred to the Sixth Circuit. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (**Doc. # 10**).

IT IS SO ORDERED.

/s/ Dan Aaron Polster December 13, 2013

Dan Aaron Polster

United States District Judge